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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,577	01/05/2004	Darren Holland	95178086-000002	3088

33055 7590 07/06/2007  
PATENT, COPYRIGHT & TRADEMARK LAW GROUP  
430 WHITE POND DRIVE  
SUITE 200  
AKRON, OH 44320

EXAMINER
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ADEGEYE, OLUWASEUN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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07/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/751,577

Applicant(s)

HOLLAND, DARREN

Examiner

Oluwaseun A. Adegeye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 0-1/05/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 2, 3, 6 and 7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, 2 and 3 of U.S. Patent No. 6,674,692. Although the conflicting claims are not identical, they are not patentably distinct from each other because

**Regarding claims 1 and 6** of this application, claim 1 of U.S. Patent No.

6,674,692 recites an audio component-with an integrated digital recording and storage media, said audio component comprising:

means for receiving an input audio signal generated by a stereo system audio component wherein an analog to digital conversion means receives an input analog audio signal and converts said input analog audio signal to a digital audio signal;

digital storage means for recording and storing said digital audio signal, said digital storage means being capacious with re-write capabilities and being permanent in nature, wherein said digital storage means further comprises a magnetic media hard drive having a capacity of at least five gigabytes,

a controller having a microprocessor in combination with both random access memory means and non-volatile read-only memory means, said controller performing a variety of pre-programmed routines and controlling the storage and retrieval of the recorded digital audio signals stored on said storage means;

user interface means whereby one can monitor and manipulate the operation of said controller; and

digital to analog conversion means wherein the said recorded digital audio signals are converted to an output analog audio signal capable of amplification by audio components whereby said output analog audio signals are broadcast via loudspeakers; wherein said audio component is used in combination with stereo equipment to allow for the selective recording and playback of a combination of audio tracks.

It is noted that claim 1 and 6 of this application is broader than and encompasses claim 1 of U.S. Patent No. 6,674,692 and therefore obviousness-type double patenting rejection is applied.

**Regarding claim 2** of this application, claim 3 of U.S. Patent No. 6,674,692 recites the audio component of claim 2, wherein said digital storage means further comprises an optical storage device. It is noted that claim 2 of this application is broader than and encompasses claim 3 of U.S. Patent No. 6,674,692 and therefore obviousness-type double patenting rejection is applied.

**Regarding claim 3 and 7** of this application, claim 2 of U.S. Patent No. 6,674,692 recites an audio component with an integrated digital recording and storage media, said audio component comprising:

means for receiving an input audio signal generated by a stereo system audio component wherein an analog to digital conversion means receives an input analog audio signal and converts said input analog audio signal to a digital audio signal;

digital storage means for recording and storing said digital audio signal, said digital storage means being capacious with re-write capabilities and being permanent in nature;

a controller having a microprocessor in combination with both random access memory means and non-volatile read-only memory means, said controller performing a variety of pre-programmed routines and controlling the storage and retrieval of the recorded digital audio signals stored on said storage means;

user interface means whereby one can monitor and manipulate the operation of said controller; and

digital to analog conversion means wherein the said recorded digital audio signals are converted to an output analog audio signal capable of amplification by audio components whereby said output analog audio signals are broadcast via loudspeakers;

wherein said audio component is used in combination with stereo equipment to allow for the selective recording and playback of a combination of audio tracks,

wherein said audio component is of an integrated design, incorporated into the design of an AM/FM receiver and CD player for automotive use.

It is noted that claims 3 and 7 of this application disclose incorporating the audio component into a vehicle and is broader than and encompasses claim 2 of U.S. Patent No. 6,674,692 and therefore obviousness-type double patenting rejection is applied.

3. Claims 4 and 8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,674,692 in view of Koyata et al (US 6,462,753 B1).

**Regarding claim 4 and 8** of this application, claim 1 of U.S. Patent No. 6,674,692 does not disclose the audio component of Claim 1, wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional receiver and player for portable personal use.

In analogous art, Koyata discloses mini disc players and mini disc recorders (see column 1, lines 15 – 24 and column 6, lines 13 – 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the design for portable personal use taught by

Koyata into claim 1 of U.S. Patent No. 6,674,692 to allow the user to effectively perform a selecting operation for designating program names and program order so as to perform the dubbing operation or editing operation (see column 2, lines 28 – 32).

4. Claim 5 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,674,692 in view of Mino et al. (US 6,077,084).

**Regarding claim 5** of this application, claim 1 of U.S. Patent No. 6,674,692 does not disclose the audio component of Claim 1, wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional karaoke machine.

In an analogous art, Mino discloses wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional karaoke machine (see column 6, lines 32 – 63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the design into a karaoke machine taught by Mino to claim 1 of U.S. Patent No. 6,674,692 to provide a karaoke system with high quality that can perform distribution or delivery of new music without delay (see column 4, lines 1 – 9).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 2, 4, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Koyata et al (US 6, 462, 753 B1).

As to claim 1, Koyata discloses an audio component with an integrated digital recording and storage media, said audio component comprising:

means for receiving (44) an input audio signal generated by a stereo system audio component wherein an analog to digital conversion means (45) receives an input analog audio signal and converts said input analog audio signal to a digital audio signal (see column 8, lines 43 – 46);

digital storage means (41) for recording and storing said digital audio signal (see column 8, lines 54 – 58) , said digital storage means having a large capacity (see column 6, lines 8 – 12) with re-write capabilities(magnetic optical discs are capable of writing and rewriting data) and being permanent in nature;



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a controller (1) having a microprocessor (62) in combination with both random access memory means (63) and non-volatile read-only memory means (64) (see column 9, lines 44 – 49)

said controller performing a variety of pre-programmed routines (see column 9, lines 50 – 51) and controlling the storage and retrieval of the recorded digital audio signals stored on said storage means (see column 4, lines 56 – 65 and column 10, line 54 – column 11, line 9 );

user interface (GUI) means (66) whereby one can monitor and manipulate the operation of said controller (see column 9, lines 52 – 59); and

digital to analog conversion means (29) wherein the said recorded digital audio signals are converted to an output analog audio signal (see column 7, lines 3 – 8) capable of amplification (amplifier (8)) by audio components whereby said output analog audio signals are broadcast via loudspeakers (see column 5, lines 11 – 14) ;

wherein said audio component is used in combination with stereo equipment to allow for the selective recording and playback of a combination of audio tracks (see column 1, lines 37 – 39).

As to claim 6, this claim differs from claim 1 only in that claim 1 has to do with audio recording whereas claim 6 has to do with video recording. Koyata discloses a DVD and video recording (see column 16, lines 28 – 34).

As to claim 2, Koyata discloses the audio component of Claim 1, wherein said digital storage means is selected from the group comprising: optical storage device; magnetic storage devices (41); solid state storage devices; video storage devices

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(DVD); and electronic storage devices (see column 8, lines 56 – 58 and column 16, lines 28 – 32).

As to claim 4, Koyata discloses the audio component of claim 1, wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional receiver and player for portable personal use (column 6, lines 36 – 38 discloses a mini disc recorder which can be a portable device. Column 1, line 17 – 24 also discloses a mini disc player).

Grounds for rejecting claim 4 apply to claim 8 in its entirety.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyata et al in view of Kimura (US 6,021,308).

As to claim 3, Koyata discloses the audio component of Claim 1 but does not disclose wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional receiver and player for use with a transportation vehicle.

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Kimura discloses a CD changer, a receiver, a compact disc player and a display unit in an automobile (see column 7, lines 24 – 26 and column 7, lines 39 – 60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a conventional receiver and a player for use with a transportation vehicle taught by Kimura to the device of Koyata to improve the reliability in the data transmission in the broadcast communication.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koyata et al in view of Mino et al (US 6,077,084).

As to claim 5, Koyata discloses the audio component of Claim 1 but does not disclose wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional karaoke.

Mino discloses wherein said audio component is of an integrated design, incorporated into the design of an otherwise conventional karaoke (see column 6, lines 32 – 63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the design into a karaoke machine taught by Mino to the device of Koyata to provide a karaoke system with high quality that can perform distribution or delivery of new music without delay (see column 4, lines 1 – 9).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

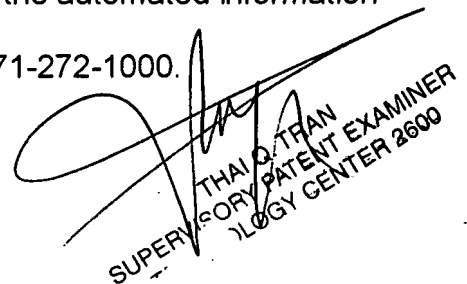
US 5,995,709 discloses a video disc player.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oluwaseun A. Adegeye whose telephone number is 571-270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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